

IN THE SUPREME COURT OF THE STATE OF DELAWARE

USHANGO OWENS,	§
	§
Defendant Below-	§ No. 138, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Castle County
	§ C.A. No. 08M-08-077
Plaintiff Below-	§
Appellee.	§

Submitted: September 25, 2009

Decided: December 7, 2009

Before **HOLLAND, BERGER, and JACOBS**, Justices.

ORDER

This 7th day of December 2009, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Ushango Owens, filed this appeal from the Superior Court's denial of his motion for relief from judgment. We find no merit to Owens' contentions on appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that Owens was convicted in August 2007 of multiple drug-related charges. The Superior Court's sentencing order, dated September 21, 2007 ordered, among other things, that \$663 in currency that was seized from Owens at the time of his arrested be forfeited. Owens did not appeal his sentence. In May 2008, Owens filed a document seeking relief from the

forfeiture judgment, which the Superior Court denied on August 5, 2008. Again, Owens did not appeal. On August 22, 2008, Owens filed another petition for return of the \$663. Superior Court dismissed that petition on December 11, 2008. Owens did not appeal that judgment. Instead, on February 2, 2009, Owens filed a motion for relief from the December 11, 2008 judgment, which the Superior Court denied as untimely. This appeal followed.

(3) After careful consideration of the parties' respective positions on appeal, it is manifest to the Court that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated March 6, 2009. It is clear that Owens' motion, whether viewed as a motion to alter the Superior Court's December 11 judgment or as a request for reargument of the Superior Court's December 11 judgment, was untimely. Owens did not appeal or otherwise seek relief or reargument of the Superior Court's December 11, 2008 order until February 2, 2009. We find no error in the Superior Court's denial of Owens' motion as untimely.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice